

REMARKS

Claims 1-4, 6-17 and 23-26 are currently pending in the application. Claims 1, 4, 6, and 13 are amended for the Examiner's consideration. Claims 23-26 are added and claims 5 and 18 are canceled without prejudice or disclaimer. The amendments and added claims find support in the specification, including the claims as originally filed, at page 6-9 and the accompanying figures. Reconsideration of the rejected claims in view of the following remarks is respectfully requested.

Allowed Claims

Applicants appreciate the indication that claims 4-6 and 18 contain allowable subject matter. Claim 1 has been amended to include the subject matter of claim 5. Claim 4 has been amended to include the subject matter of base claim 1. Claim 13 has been amended to include the subject matter of claim 18. For these reasons, claims 1-4 and 6-17 are now in condition for allowance, and the rejections of claims 1-3 and 7-17 are moot.

35 U.S.C. §102 Rejection

Claims 1-3, 8 and 11-16 were rejected under 35 U.S.C. §102(b) for being anticipated by U. S. Patent No. 3,780,884 to Jones. This rejection is moot in view of the above amendments.

35 U.S.C. §103 Rejections

Claim 7 was rejected under 35 U.S.C. §103(a) for being unpatentable over Jones and U.S. Patent No. 5,427,252 to Teegarden. Claims 9, 10 and 17 were rejected under 35 U.S.C. §103(a) for being unpatentable over Jones in view of U.S. Patent No. 4,119,219 to Carlson. These rejections are moot in view of the above amendments.

Added Claims

Claims 23-26 are added for the Examiner's consideration. Applicants submit that these claims are also distinguishable over the applied art of record. For example, Jones does not show a tilt head mechanism, which is hinge mounted. Instead, the frame 20 is slidably mounted on a frame 24, and moveable by a screw mechanism. Jones also does not show moveable arms; instead, Jones shows suction devices. Additionally, despite the Examiner's assertions to the contrary, Applicants submit that the applied reference of Jones do not show a sensor to determine a load on the pallet. The Examiner appears to equate the suction cups with the load; however, at best, the suction cups, when they fail, can indicate that a top load is too heavy to be picked up by the apparatus. This does not determine the entirety of the load on the pallet, nor can it be modified to determine the load thereon.

CONCLUSION

Applicants appreciate the indication of allowable subject matter. In view of the foregoing remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Respectfully submitted,



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